

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

TREMAINE D. COWAN,	:	Case No. 1:23-cv-315
	:	District Judge Matthew W. McFarland
Plaintiff,	:	Magistrate Judge Karen L. Litkovitz
	:	
vs.	:	
	:	
JOHN DOE SOCF DEFENDANTS, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

ORDER

Plaintiff, an inmate currently incarcerated at the Southern Ohio Correctional Facility (SOCF) in Lucasville, Ohio, brings this pro se civil rights action pursuant to 42 U.S.C. § 1983 for alleged violations of his constitutional rights. By separate Orders, the Court has allowed plaintiff to proceed *in forma pauperis* on his Eighth Amendment and state-law tort claims against John Doe defendants 2, 3, 4, and 5. (*See* Docs. 9, 13).

This matter is before the Court on plaintiff's most recent motion. (Doc. 14). Plaintiff appears to ask (1) for confirmation that SOCF Warden Cynthia Davis has been served; (2) whether he is permitted to file an amended complaint naming defendants solely by their last names; and (3) that the Court order Warden Davis to provide the full names of the John Doe defendants. (*See id.*). Plaintiff's motion (Doc. 14) is **GRANTED** in part and **DENIED** in part.

1. Warden Davis has not been served.

The Court previously ordered that Warden Davis be added as an interested party to the case for the limited purpose of allowing plaintiff to conduct discovery on a high-ranking official in a position to know or determine the identities of the John Doe corrections officer defendants. (Doc. 8 at PAGEID 53-55). The Court ordered plaintiff to submit summons and U.S. Marshal

forms for service on Warden Davis. (*Id.*). However, the summons form submitted by plaintiff failed to include an address for Warden Davis. Therefore, plaintiff is **ORDERED** to submit a completed summons form for service on Warden Davis within **30 days** of the date of this Order.

The Clerk of Court is **DIRECTED** to send plaintiff a summons form for this purpose.

2. Plaintiff must seek the full names of each defendant through discovery on Warden Davis.

After plaintiff submits a completed summons form for Warden Davis, the Court will order service of the complaint and summons on Warden Davis. Once Warden Davis enters an appearance in this case through counsel, plaintiff must serve discovery requests on counsel for Warden Davis to determine each defendant's full name.

3. Plaintiff's amended complaint is incomplete.

Plaintiff has submitted an amended complaint that appears to identify the John Doe defendants by their ranks and last names. (Doc. 15). However, unlike the original complaint, the amended complaint fails to allege the specific actions taken by each defendant that allegedly violated plaintiff's rights.

Once plaintiff discovers the full name of each defendant, he is **ORDERED** to resubmit an amended complaint that identifies each defendant's full name and the actions taken by each defendant to violate plaintiff's rights. He must also submit copies of the amended complaint, summons forms, and U.S. Marshal forms for each defendant.

The Court further notes that plaintiff identified five John Doe defendants in his original complaint. (*See* Doc. 8 at PAGEID 49). The Court screened plaintiff's complaint and dismissed plaintiff's claims against John Doe 1, leaving John Does 2, 3, 4, and 5. (*See* Docs. 8, 13). In the instant motion and amended complaint, plaintiff identifies *six* individuals by their last names: Wellman, Richardson, Taylor, Watts, McCoy, and Osborn. (Docs. 14, 15). The Court's

Order directing plaintiff to file an amended complaint (Doc. 8 at PAGEID 54), as reiterated by this Order, contemplates only those claims against the four John Doe defendants that have not been dismissed. To the extent plaintiff seeks to add additional claims or defendants, he must move the Court for leave to file an amended complaint pursuant to Fed. R. Civ. P. 15(a).

IT IS SO ORDERED.

August 29, 2023


KAREN L. LITKOVITZ
United States Magistrate Judge